GOVERNMENT OF MYSORE.

LABOUR AND MUNICIPAL ADMINISTRATION DEPARTMENT (LABOUR).

Labour Dispute.—Industrial Dispute between the Workmen and the Management of Kanandur and Cheekanahalli Estates, Cheekonahalli P. O., Hassan District.

Award of the Industrial Tribunal, Bangalore—Published.

Read the following papers:

(i) Letter No. 2337/66-67, dated 19th January 1967, from Shri A. Panchaksharaiah, Presiding Officer, Industrial Tribunal, Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

(At Hassan)

Dated 17th January 1967.

Present:

Sri A. Panchaksharaiah, B.A. (Hons.), LL.B., ... Presiding Officer.

I. D. No. 63 of 1966.

Workmen of Kanandur & Cheekanahally Estates, represented by the Vice President, Indian Plantation & General Worker's Union, Chickmagalur. ... *First Party.*

Vs.

The Management of Kanandur & Cheekanahally Estates, Cheekanahally P.O., Hassan District. ... *Second Party.*

Appearances.

For the I Party.—Sri P. H. Pinto, Vice-President, Indian Plantation & General Workers' Union, Chickmagalur.

For the II Party.—Sri K. A. Krishnaswamy, Advocate.

AWARD.

The Government of Mysore in their letter No. LMA 95 LLD 66, dated 29th March 1966 have referred this dispute for adjudication by this Tribunal. The dispute is between the workmen and the management of Kanandur and Cheekanahally Estates in Hassan District. The dispute is for bonus at the rate of 50 per cent of the net profit subject to a minimum of one month wages irrespective of the profit or loss for the year 1962-63.

2. After the receipt of the Reference the same was registered as I.D. No. 63/66 and notices were issued to the I Party to file Claim Statement. The I Party filed a Claim Statement on 29th April 1966. During the course of which the I Party contended as follows:—The I Party is represented by one Mr. P. H. Pinto, Vice-President of the Indian Plantation and General Workers' Union, Chickmagalur. The I Party contended that the II Party Management is a Coffee estate. During the year 1962-63, the II Party Management has made good profits from out of the coffee crops, and therefore capable of paying bonus to its employees. The I Party workmen therefore have claimed 50 per cent of the net profit as bonus for the year 1962-63 subject to a minimum of one month wages irrespective of the profit or loss.

3. In the course of the objection statement, the II Party contended that for the year 1962-63 the Management has suffered a loss owing to failure of rains and also non-productivity of the coffee plants and is not in a position to pay any bonus and also not liable to pay any such bonus. With regard to claim for bonus at the rate of one month wages, the Management in the alternative contends that it is not liable to pay the same. Inspite of the fact that for the years 1962-63, 1963-64 and 1964-65 the Management has suffered losses due to adverse seasonal conditions, it has made a payment of Rs. 10 per worker *ex-gratia* for these three years. The Management has contended that even this they were not bound to pay. However out of share grace each worker was paid Rs. 10 on 21st February 1966 and thus even if there were any claim for bonus the same has been satisfied in full and final settlement. No reply was filed to this counter statement of II Party. Issues were framed and the case was posted for evidence being recorded on 16th and 17th of January 1967 at Hassan Inspection Bungalow. Notices of hearings were sent to both the I and II Parties.

4. On 16th January 1967, the case was taken up at Hissar camp, the II Party was represented by Sri K A. Krishnaswamy. On behalf of the I Party none was present neither the Secretary nor the Vice-President. No steps had been taken and no witness was present for the I Party. They have to establish their case for 50 per cent of the net profit as bonus for 1962-63. The I Party also did not represent before the Tribunal asking for any time. However, the case was adjourned to 17th January 1967 just to enable the I Party to be ready with the case. Even on 17th January 1967, nobody was present on behalf of the I Party. Neither the Vice-President nor any member of the Union was present. There were no reasons advanced for adjournment of the case. The II Party was present and was represented by Sri K A. Krishnaswamy. The II Party filed a Memo with a Note-book containing the receipts for having paid Rs 10 to each of its workers. There are altogether 29 workers under the II Party Management. I find from the absence of the members of the I Party and the Vice-President of the Union that the I Party was not been in establishing the case for bonus and this perhaps is due to the fact that the I Party workmen have each received Rs. 10 in full and final settlement of the claim for bonus for 1962 63. However, as the case is not proved by the I Party, the Reference fails. Accordingly, I reject the Reference holding that the I Party has not established the claim. Under the circumstances, each party will bear his cost.

A. PANCHAKSHARIAH,

Presiding Officer,
Industrial Tribunal.

ORDER.

Bangalore, dated 27th January 1967.

S. O. 309.—WHEREAS by State Government Order No. PLM 95 LLD 66, dated 29th March 1966, the Industrial Dispute between the Workmen and the Management of Kanandur and Cheekanahally Estates, Cheekanahally P. O., Hassan District was referred to the Industrial Tribunal, Bangalore for adjudication;

AND WHEREAS the Industrial Tribunal, Bangalore has submitted to the State Government its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. LMA 95 LLD 66.]

By Order and in the name of the Governor of Mysore,

2023 G. G. PUROHIT, *Under Secy.*